

## § 18.7

applicant shall furnish MSHA with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a hose or conveyor belt, the applicant shall furnish samples as follows:

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see Figure 3 in Appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see Figure 4 in Appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to MSHA for approval or certification.

(l) MSHA will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence, specifications, lettering on drawings (metric-system dimensions acceptable), instructions, and related information are in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 57 FR 61223, Dec. 23, 1992; 60 FR 33723, June 29, 1995; 60 FR 35693, July 11, 1995; 68 FR 36419, June 17, 2003]

## § 18.7 [Reserved]

## § 18.8 Date for conducting investigation and tests.

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the require-

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ments, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

## § 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a hose or conveyor belt, only MSHA personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The MSHA will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analysis of materials or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by MSHA.

(c) MSHA reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to MSHA, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

[33 FR 4660, Mar. 19, 1968; 33 FR 6345, Apr. 26, 1968, as amended at 57 FR 61223, Dec. 23, 1992]

## § 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, MSHA will issue to the applicant either a written notice

of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. MSHA will not disclose, except to the applicant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received MSHA's formal notice of approval.

#### § 18.11 Approval plate.

(a)(1) The notice of approval will be accompanied by a photograph of an approval plate, bearing the emblem of Mine Safety and Health Administration, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall be added to the original approval number on the approval plate. (Example: Original approval No. 2G-3000; seventh extension No. 2G-3000-7.)

(b) The applicant shall reproduce the design on a separate plate, which shall be attached in a suitable place, on each complete assembly to which it relates. The size, type, location, and method of attaching an approval plate are subject to MSHA's concurrence. The method for affixing the approval plate shall not impair any explosion-proof feature of the equipment.

(c) The approval plate identifies as permissible the machine or accessory to which it is attached, and use of the

approval plate obligates the applicant to whom the approval was issued to maintain in his plant the quality of each complete assembly and guarantees that the equipment is manufactured and assembled according to the drawings, specifications, and descriptions upon which the approval and subsequent extension(s) of approval were based.

(d) A completely assembled approved machine with an integral dust collector shall bear an approval plate indicating that the requirements of part 33 of this chapter (Bureau of Mines Schedule 25B), have been complied with. Approval numbers will be assigned under each part of such joint approvals.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978]

#### § 18.12 Letter of certification.

(a) A letter of certification may be issued by MSHA for a component intended for incorporation in a complete machine or accessory for which an approval may be subsequently issued. A letter of certification will be issued to an applicant when a component has met all the applicable requirements of this part. Included in the letter of certification will be an assigned MSHA certification number that will identify the certified component.

(b) A letter of certification will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of a component upon which the letter of certification is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to the component for which a letter of certification has been issued; and the drawings and specifications shall be adhered to exactly in production of the certified component.

(c) A component shall not be represented as certified until the applicant has received MSHA's letter of certification for the component. Certified components are not to be represented as "approved" or "permissible" because such terms apply only to completely assembled machines or accessories.